IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 19431 of 2006(L)

PETITIONER:

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1. MARYKUTTY SIMON,D/O.ROSAMMA,
   AGED 43 YEARS,RESIDING AT SHOBI BHAVANAM,
   BHARATHEEPURAM P.O., KOLLAM DISTRICT.

2. SHONY SIMON,
   D/O.MARYKUTTY SIMON,RESIDING AT
   SHOBI BHAVANAM, BHARATHEEPURAM P.O.,
   KOLLAM DISTRICT.

BY ADV. SRI.PAULY MATHEW MURICKEN

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), KOLLAM.

2. KADAMANCODU SERVICE CO-OPERATIVE
   BANK LTD.NO.2806,THINGGALKARIKKOM P.O.,
   KOLLAM DISTRICT,
   REPRESENTED BY ITS SECRETARY.

3. BOARD OF MANAGEMENT,
   KADAMANCODU SERVICE CO-OPERATIVE BANK LTD.NO.2806
   THINGALKARIKKOM P.O.,KOLLAM DISTRICT,
   REPRESENTED BY ITS PRESIDENT.

R1 BY SR. G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF FIXED DEPOSIT RECEIPT NO.00571 DT.20.2.1998 ISSUED TO 1ST PETITIONER.

P2: .DO. NO.00572 DT.20.2.98 ISSUED TO 2ND PETITIONER.

P3: TRUE PHOTOCOPY OF PROCEEDING DT.27.8.2005 ISSUED BY R1 TO R2 AND R3.

P4: TRUE TYPED COPY OF REPRESENTATION DT.15.7.2006 SUBMITTED BY 1ST PETITIONER TO R1.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.19431 of 2006

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Dated this the 10th day of April, 2007.

JUDGMENT

Inspite of service of notice, respondents 2 and 3 have not appeared before this court. Prayer in the W.P. is only for direction to first respondent to refund the deposit amount covered by Exts.P1 and P2 deposit receipts. In fact it is seen from Ext.P3 that the Joint Registrar directed the second respondent to release the amounts with interest. If society has become insolvent, then it has to be necessarily wound up. First respondent should, if required, conduct enquiry under Section 65 of the Kerala Co-operative Societies Act and take appropriate action against the society. Since the deposits made by the petitioner have matured years back, there will be direction to the second respondent to refund the amount with eligible interest within thirty days from the date of production of copy of this judgment. The W.P. is allowed as above.

C.N.RAMACHANDRAN NAIR
Judge

pms